WELSH STATUTORY INSTRUMENTS

2003 No. 398 (W.55)

LOCAL GOVERNMENT, WALES

The Local Authorities (Referendums) (Petitions and Directions) (Amendment) (Wales) Regulations 2003

Made - - - -	*25th February 2003*
Coming into force - -	*4th April 2003*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon it by sections 34, 105(2) and 106(1) and (2) of the Local Government Act 2000(**1**):

Citation, commencement and application

1.—(1) These Regulations are called the Local Authorities (Referendums) (Petitions and Directions) (Amendment) (Wales) Regulations 2003 and will come into force on 4th April 2003.

(2) These Regulations apply to Wales only.

Interpretation

2. In these Regulations —

"the 2001 Regulations" ("*Rheoliadau 2001*") means the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001(**2**).

Amendment of the 2001 Regulations

3.—(1) The 2001 Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 3 —

(a) after the definition of "constitutional change" insert —

""first petition period" ("*cyfnod deisebu cyntaf*") has the meaning given by regulation 3A;";

(b) for the definition of "moratorium period" there is substituted —

(**1**) 2000 c. 22.
(**2**) S.I.2001/2292 (W.180).

""moratorium period" ("*cyfnod moratoriwm*") means the period of five years commencing on the date on which an authority holds a referendum under Part II of the Act;";

(c) in the definition of "petition date" —

(i) paragraphs (a) and (d) are deleted; and

(ii) in paragraphs (b) and (c), the words "subject to paragraph (d)," are deleted;

(d) after the definition of "petition organiser" insert —

""petition period" ("*cyfnod deisebu*") has the meaning given by regulation 3A;";

(e) after the definition of "valid petition" insert —

""verification date" ("*dyddiad dilysu*") means, other than in relation to the first petition period, the date that is seven months before the commencement of a petition period;"; and

(f) for the definition of "verification number" there is substituted —

""verification number" ("*Rhif dilysu*"), in relation to a petition, means the number to be used for verification purposes by virtue of paragraphs (2) or (4) of regulation 4; and".

(3) After regulation 3, insert —

"**Petition periods**

3A.—(1) The local government electorate for an authority's area may present petitions to that authority during a petition period.

(2) The duration of a petition period is six months.

(3) The first petition period will commence on the date that is twelve months before the date on which the ordinary local government elections in 2004 are to be held.

(4) Subject to the following paragraphs of this regulation, subsequent petition periods for an authority will commence on the date that is twelve months before the date on which each subsequent ordinary local government elections are to be held.

(5) If part or the whole of one or more of an authority's petition periods as determined in accordance with paragraph (4) or the following paragraphs are to fall within a moratorium period, that petition period, or those petition periods (which, for the purposes of this regulation, are to be treated as a single petition period), will commence on the date during that moratorium period that is twelve months before the earliest date on which a second (or subsequent) referendum may lawfully be held in the area of that authority.

(6) Where an authority does not receive a valid petition during a petition period determined in accordance with paragraph (5), the date on which the next petition period for that authority will commence is the date that is twelve months before the date on which the next ordinary local government elections are to be held.

(7) Paragraph (6) will not apply where part or the whole of a petition period determined in accordance with that paragraph will fall within a year in which part or the whole of a petition period determined in accordance with paragraph (5) falls.

(8) Where an authority does not receive a valid petition during a petition period determined in accordance with paragraph (5) and, by virtue of paragraph (7), paragraph (6) does not apply, the next petition period for that authority will commence on the date that is twelve months before the date on which the ordinary local government elections which are subsequent to the next ordinary local government elections are to be held.".

(4) For regulation 4, substitute —

"**Verification number**

4.—(1) Not later than four weeks after 4th April 2003, the proper officer of each authority shall publish the number that is equal to 10% of the number of local government electors for the authority's area shown in the electoral register or registers published and having effect for the authority's area on 4th April 2003(**3**).

(2) The number published in accordance with paragraph (1) will be used for verification purposes in relation to any petition presented to the authority during the first petition period.

(3) For the purposes of each subsequent petition period, the proper officer of each authority must, within the period of 14 days beginning with the verification date, publish the number that is equal to 10% of the number of local government electors for the authority's area shown in the revised version of the registers having effect for the area on the verification date.

(4) The number published in accordance with paragraph (3) will be used for verification purposes in relation to any petition presented to the authority during the petition period that is to commence seven months after the verification date to which that number relates.

(5) The proper officer may, in connection with the discharge of the duty imposed by paragraphs (1) or (3), make a request in writing to an electoral registration officer to provide the proper officer with information relevant to the number that is to be published in accordance with those paragraphs; and an electoral registration officer who receives such a request must comply with it within the period of seven days beginning with the day on which the request is received.".

(5) For regulation 5, substitute —

"**Publicity for verification number and petition period**

5. As soon as reasonably practicable after the publication of a verification number, the authority must publish in at least one newspaper circulating in its area a notice containing a statement —

(a) that the authority's proper officer has published the number that is equal to 10% of the number of local government electors shown in the electoral register or registers having effect for the authority's area on the date that —

(i) for the purposes of the first petition period, is the date of the coming into force of these Regulations; or

(ii) for the purposes of a subsequent petition period, is the verification date;

(b) of the number so published;

(c) that the number so published will have effect for the purposes of determining the validity of petitions presented to the authority during the first petition period or (as is appropriate) the petition period for that authority that will commence seven months after the verification date referred to in paragraph (a)(ii);

(d) of the date on which that petition period (be it the first petition period or a subsequent petition period) for the authority will —

(i) commence; and

(ii) end; and

(e) of the address of the authority's principal office.".

(6) For regulation 9(1)(c), substitute —

(**3**) *See* section 13(5) of the Representation of the People Act 1983 (c. 2) substituted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 6 as to the period for which registers have effect.